

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

JINJER ROSALINE NUTTER,

Plaintiff,

v.

Civil Action No. 2:23-cv-00365

M. PAUL MARTENEY,

Defendant.

MEMORANDUM OPINION AND ORDER

The above-styled matter is set for jury trial on December 10, 2024. The court has received on December 2, 2024, Plaintiff's Motion for Summary Judgment and Incorporated Memorandum of Law. ECF 38. The motion is not only out of time, but it violates the local rules in that it fails to separate the motion from the memorandum of law. Nevertheless, the court has chosen to consider it.

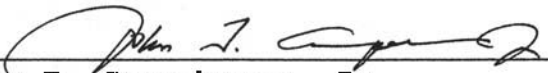
The motion seeks "an Order granting this motion and entering partial summary and default judgment against Defendant, M. Paul Marteney, in the amount of \$40,000.00 based on a joint stipulation that he entered into with the West Virginia Office of Disciplinary Counsel." ECF 38.

Inasmuch as the "stipulation" is not one between the plaintiff and the defendant in this case it is usable simply as potential evidence at trial. In addition, the evidence attached to the subject motion in support of the "stipulation" states that the defendant in this case admits he "valued Plaintiff's case at approximately \$40,000.00," not that a precise \$40,000.00 judgment should be entered herein.

For the foregoing reasons, the plaintiff's motion filed December 2, 2024, is denied.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: December 3, 2024

  
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John T. Copenhaver, Jr.  
Senior United States District Judge